

Memorandum



Date: February 5, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Supplement to
Agenda Item No.
8 (N) 1 (A)

From: George M. Burgess
County Manager

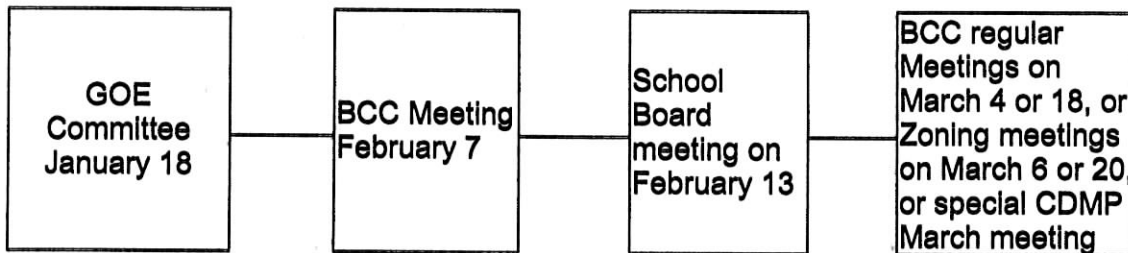
Subject: Timeline for School Interlocal Agreement

On December 18, 2007, by unanimous vote, the Board of County Commissioners (BCC) passed a resolution which requested a 3-month extension of time to the County's required adoption date of January 1, 2008 for implementation of the Special CDMP Amendments relating to Public Schools and the accompanying Interlocal Agreement for Public School Facility Planning. Assuming that the time extension is granted by the Department of Community Affairs (DCA) and to ensure that a time extension to March 31, 2008 is adequate for adoption of these documents, staff has developed three scenarios, which incorporate the steps and timelines necessary to attain appropriate review and signoffs between the County and the School Board. Each scenario takes into consideration the forwarding of the proposed Interlocal Agreement from the Governmental Operations and Environment (GOE) Committee to the full Board of County Commissioners (BCC) and that the BCC adopts an Interlocal which contains substantive modifications from the Interlocal adopted by the School Board on November 20, 2007. Given these modifications the Interlocal must then go back to the School Board for reconsideration and adoption. Any additional modifications made by the School Board during its reconsideration must then come back to the BCC for final reconsideration and adoption. Additionally, this final BCC meeting would also consider for the Special CDMP Amendments relating to Public School Facilities for final adoption. The Miami-Dade County Code requires a 10-day advertising requirement for all CDMP meetings. Therefore a minimum of 14 days would be required between the School Board meeting and the final BCC meeting to meet the advertising requirements.

The first scenario assumes that the proposed Interlocal is heard, discussed and modified on the floor by the GOE at their January 18th meeting. This Interlocal would then be forwarded to the February 7, 2008 BCC meeting. As previously mentioned, should the Interlocal differ from the version previously adopted by the School Board, the School Board could potentially hear the modifications at their February 13, 2008 meeting. This timeline may be difficult to meet and would assume that the School Board was willing to hear the item on short notice. Should the modifications be approved, the Interlocal would be finalized; however, the CDMP Special Amendments relating to Public School Facilities would also need final approval from the BCC. The CDMP hearing could take place on any BCC regular or zoning meeting in March, or could be scheduled as a special meeting in March. Both documents would then be forwarded to the DCA prior to the March 31, 2008 extension deadline.

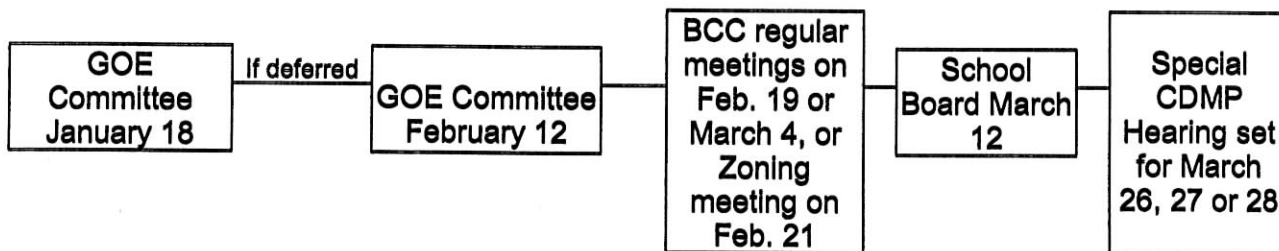
Should the School Board not approve the modifications made to the Interlocal or should the BCC not accept any additional School Board modifications, the County and School Board may enter into litigation and the issue would be heard by an Administrative Law Judge. In this case, a time extension is inconsequential.

The timeline for the first scenario would be as follows:




The second scenario assumes that the GOE is unable to successfully approve a version of the Interlocal at its January 18th and defers the item to its February 12th meeting and then forwards it to the BCC. The BCC could hear the item at one of its meetings (February 19 regular meeting, February 21st zoning meeting, or March 4 regular meeting) prior to the March 12, 2008 School Board meeting. If the School Board reconsiders the Interlocal at this meeting, the BCC must schedule a special CDMP hearing for either March 26th, 27th, or 28th to adopt the Amendments to the CDMP. Again this schedule meets the time extension date of March 31, 2008. However, as stated above should either the School Board or County not be in agreement the matter may go before an Administrative Law Judge and the time extension would be inconsequential.

The timeline for the second scenario would be as follows:



The third scenario assumes that either the GOE or the BCC cannot adopt a version of the Interlocal until March. If the County cannot reach an agreement with the School Board at either of their February meetings or the early March meeting, the Interlocal cannot be forwarded to School Board in time for its meeting of March 12. The next School Board meeting is not until April 16, 2008. This is beyond the March 31, 2008 requested extension date. If the Interlocal Agreement is not heard until the April School Board meeting, the County could not adopt the final CDMP amendments until May.

The timelines presented above allow staff adequate time to prepare the data and analysis necessary to accompany the transmittal to DCA. However, as noted above the adequacy of the March 31, 2008 time extension from the Department of Community Affairs (DCA) depends on the ability of the County and School Board to reach agreement on various issues as noted below.



Assistant County Manager